

The Honorable Edward F. Shea

Thomas D. Adams
Celeste Mountain Monroe
KARR TUTTLE CAMPBELL
1201 Third Avenue, Suite 2900
Seattle, Washington 98101-3028
(206) 223-1313
Attorneys for North Central Regional Library District

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

SARAH BRADBURN, PEARL
CHERRINGTON, CHARLES
HEINLEN, and THE SECOND
AMENDMENT FOUNDATION,
Plaintiffs,
v.
NORTH CENTRAL REGIONAL
LIBRARY DISTRICT,
Defendant.
)

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) NO. CV-06-327-EFS
)

) DEFENDANT NORTH CENTRAL
REGIONAL LIBRARY'S AMENDED
WITNESS AND EXHIBIT LIST
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Defendant North Central Regional Library identifies the following witnesses and exhibits:

DEFENDANT NORTH CENTRAL
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CV-06-327-EFS
#664851 v1 / 42703-001

Law Offices
KARR TUTTLE CAMPBELL
A Professional Service Corporation
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Telephone (206) 223-1313, Facsimile (206) 682-7100

I. FACT WITNESSES

1. Dean Marney

Dean Marney is the Director of the North Central Regional Library (“NCRL”) District. Mr. Marney was appointed to his position by the NCRL Board of Trustees in 1990. As Director, Mr. Marney serves as the liaison between the Board and library staff.

Mr. Marney will testify regarding NCRL and its policies, including: its mission, collection development policy and internet usage policy. He will testify regarding NCRL's need to comply with the Children's Internet Protection Act ("CIPA") and the Board's decision to implement an Internet filter to facilitate compliance with CIPA. Mr. Marney will discuss NCRL's current internet filtering profile, as well as the procedure for requesting that certain internet content be unblocked by the filter. Mr. Marney will discuss the unblocking requests NCRL has received from patrons and the process that he and Mr. Howard follow in evaluating the requests. Mr. Marney will also discuss the other purposes the Internet filters serve, beyond compliance with CIPA, to include: (1) fulfillment of traditional collection decisions; (2) protection of staff

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1 and patrons from inadvertent exposure to illegal, pornographic, or other
2 disruptive and inappropriate material; and (3) compliance with other state and
3 federal laws.

5 **2. Dan Howard**

6 Dan Howard is the Public Services Director for NCRL. Mr. Howard
7 administers NCRL's 28 branch libraries and its mail order library. He also
8 coordinates collection development activities and administer grants. With
9 respect to the individual branches, Mr. Howard's responsibilities include, among
10 other things, management of personnel. This includes supervision of all NCRL
11 branch librarians.

12 Mr. Howard will testify regarding NCRL's policies, to include: its
13 mission statement, collection development policy and internet usage policy. He
14 will discuss the relationship between the filter and collection development. He
15 will testify regarding his district's need to comply with the Children's Internet
16 Protection Act ("CIPA"). Mr. Howard will also discuss NCRL's current
17 internet filtering profile and the procedure for requesting that certain internet
18 content be unblocked. Mr. Howard will discuss the unblocking requests that

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1 NCRL has received from patrons and the process that he and Mr. Marney use in
2 evaluating the requests.
3

4 Mr. Howard will also discuss his experience with certain privacy
5 measures suggested by Plaintiffs, including: (1) privacy screens; (2) recessed
6 desks and (3) a “tap and tell” policy. Mr. Howard discuss his concerns with
7 unfiltered access and the impact on branch staff.
8

9 **3. Barbara Walters**
10

11 Barbara Walters is the Information Technology Manager for the North
12 Central Regional Library District. She has served in this role since 2002.
13 Ms. Walters will testify regarding the structure of NCRL’s computer network, to
14 include technical information and details regarding the configuration of the
15 Internet filter.
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17 **4. Connie Kuhlman**
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19 Connie Kuhlman is the Grant County Regional Manager and head of
20 Moses Lake Branch. Ms. Kuhlman ran the Grand Coulee Branch before Moses
21 Lake.
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1 Ms. Kuhlman will discuss her personal experience with the internet filter,
2 including instances where individuals have circumvented the filter to obtain
3 illicit material. She will also discuss her concerns with unfiltered access.
4

5 **5. Sharon Reddick**

6 Sharon Reddick is the Okanogan/Ferry County Regional Manager &
7 Head of Omak Branch.
8

9 Ms. Reddick will discuss her personal experience with the internet filter,
10 including instances where individuals have circumvented the filter to obtain
11 illicit material. She will also discuss her concerns with unfiltered access.
12

13 **6. Katy Sessions**

14 Katy Sessions is the Chelan/Douglas County Regional Manager & Head
15 of Wenatchee Branch.
16

17 Ms. Sessions will discuss her personal experience with the internet filter,
18 including instances where individuals have circumvented the filter to obtain
19 illicit material.
20

21 **7. Deborah Moore**

22 Deborah Moore is a NCRL Board Trustee from Grant County. She has
23 served in this capacity since January 2007. Ms. Moore will testify regarding the
24

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current Internet Filtering Policy.

II. EXPERT WITNESS

1. Paul Resnick

Paul Resnick is a professor at the University of Michigan School of Information. Mr. Resnick was retained by NCRL to serve as an expert in the current litigation.

Mr. Resnick was asked to explain how the NCRL filtering software works. He was also asked to assess the methods used in studying the error rates in the filtering software NCRL uses as reported by Plaintiffs' expert, Mr. Bennett Haselton. Mr. Resnick will testify regarding all of these topics. In addition, Mr. Resnick will testify regarding his own study of NCRL's filter.

Mr. Resnick will be unavailable after June 6, 2008.

III. EXHIBITS

NO.	AUTHOR/MAKER	DESCRIPTION
500	NCRL	Branch Library Map
501 -	NCRL	Branch Photos
528		
529	NCRL	Resolution adopting Internet Usage
		Policy
530	NCRL	Board Minutes adopting Internet Usage
		Policy
531	NCRL	Internet Usage Policy
532	NCRL	Current Fortiguard Filtering Profile

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1	533 – 536	NCRL	Incident Reports
2	537	NCRL	Internal memo discussing decision to unblock “Plagerism”
3	538	NCRL	Internal memo discussing decision to unblock “ Personal Relationships”
4	539	NCRL	Internal memo discussing decision to unblock YouTube, with accompanying Terms of Use
5	540	NCRL	Internal memo discussing decision to unblock Myspace, with accompanying Terms of Use
6	541	NCRL	Internal memo discussing decision to unblock Craigslist, excepting personals
7	542-645	NCRL/Patrons	Patron requests to unblock specific internet content and NCRL response <i>*The number of these exhibits may increase between now and trial as additional requests are received and additional correspondence is generated*</i>
8	646	NCRL	Collection Development Policy
9	647	NCRL	Mission Statement
10	648	Paul Resnick	Paul Resnick’s Expert Report/Data
11	649	FortiGuard	Diagrams re: how FortiGuard filter work (may be simply demonstrative)
12	650	NCRL	March 11, 1999 Director’s Report
13	651	NCRL	March 11, 1999 Board Meeting Minutes
14	652	NCRL	April 15, 1999 Board Meeting Minutes
15	653	NCRL	June 10, 1999 Board Meeting Minutes
16	654	NCRL	July 15, 1999 Board Meeting Minutes
17	655	NCRL	September 16, 1999 Board Meeting Minutes
18	656	NCRL	August 12, 1999 Director’s Report
19	657	NCRL	October 14, 1999 Director’s Report

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1	658	NCRL	December 16, 1999 Director's Report
2	659	NCRL	February 10, 2000 Director's Report
3	660	NCRL	January 13, 2000 Director's Report
4	661	NCRL	November 17, 1999 Director's Report
5	662	NCRL	December 16, 1999 Board Meeting Minutes
6	664	NCRL	February 10, 2000 Board Meeting Minutes
7	663	NCRL	March 16, 2000 Board Meeting Minutes
8	664	NCRL	May 11, 2000 Board Meeting Minutes
9	665	NCRL	June 15, 2000 Board Meeting Minutes
10	666	NCRL	August 10, 2000 Board Meeting Minutes
11	667	NCRL	September 14, 2000 Board Meeting Minutes
12	668	NCRL	August 10, 2000 Director's Report
13	669	NCRL	October 12, 2000 Director's Report
14	670	NCRL	October 12, 2000 Board Meeting Minutes
15	671	NCRL	December 14, 2000 Board Meeting Minutes
16	672	NCRL	December 14, 2000 Director's Report
17	673	NCRL	January 11, 2001 Board Meeting Minutes
18	674	NCRL	January 11, 2001 Director's Report
19	675	NCRL	February 15, 2001 Director's Report
20	676	NCRL	February 15, 2001 Board Meeting Minutes
21	677	NCRL	March 15, 2001 Board Meeting Minutes
22	678	NCRL	June 14, 2001 Director's Report
23	679	NCRL	October 11, 2001 Board Meeting Minutes
24	680	NCRL	October 11, 2001 Director's Report
25	681	NCRL	November 15, 2001 Board Meeting Minutes

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A Professional Service Corporation
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1	682	NCRL	January 17, 2002 Board Meeting Minutes
2	683	NCRL	February 14, 2002 Board Meeting Minutes
3	684	NCRL	February 14, 2002 Director's Report
4	685	NCRL	May 16, 2002 Director's Report
5	686	NCRL	May 16, 2002 Board Meeting Minutes
6	687	NCRL	October 10, 2002 Board Meeting Minutes
7	688	NCRL	December 12, 2002 Director's Report
8	689	NCRL	January 15, 2004 Board Meeting Minutes
9	690	NCRL	April 15, 2004 Director's Report
10	691	NCRL	May 13, 2004 Board Meeting Minutes
11	692	NCRL	May 13, 2004 Director's Report
12	693	NCRL	April 14, 2005 Board Meeting Minutes
13	694	NCRL	December 15, 2005 Board Meeting Minutes
14	695	NCRL	March 16, 2006 Board Meeting Minutes
15	696	NCRL	July 20, 2006 Board Meeting Minutes
16	697	NCRL	November 16, 2006 Director's Report
17	698	NCRL	January 18, 2007 Director's Report
18	699	ACLU	Correspondence from ACLU to NCRL patrons soliciting a lawsuit
19	700 - 703	NCRL/Heinlen	Correspondence between NCRL and Charles Heinlen
20	704	NCRL	NCRL Bylaws
21	705	RESERVED	RESERVED
22	706	Dallas Morning News	1/15/2008 Article "On Dallas Library Computers, Porn is a Regular Sight"
23	707	Brainerd Dispatch	8/16/2003 Article "Librarians Settle Porn Case"
24	708	KTHV Little Rock	10/3/2007 Article "Preventing Internet Predators in Libraries"

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1	709	KTHV Little Rock	10/09/2007 Article "Sex Offender Legislation Targets Libraries"
2	710	Library Journal	2/5/2008 Article "After Attack on Child in Library, Mayor Wants to Bar Sex Offenders"
3	711	Courier-Journal	11/20/2007 Article "Louisville man pleaded guilty to Child Pornography Charges – He Got Files Using Library Computers."
4	712	WSB Atlanta	11/12/2007 Article "Woman Wants Porn-Watching At Library Stopped"
5	713	Library Journal	6/15/2007 Article "Monroe Cty. Adopts Tough Net Policy"
6	714	Winonan	9/20/2007 Article "Library Reassess Public Access After Man Looks at Porn"
7	715	Mercury News	10/21/2007 Article "Councilman wants San Jose Libraries to Block Online Porn"
8	716	Charles Heinlen	Interrogatory/RFP Responses from Charles Heinlen
9	717	Sarah Bradburn	Interrogatory/RFP Responses from Sarah Bradburn
10	718	Pearl Cherrington	Interrogatory/RFP Responses from Pearl Cherrington
11	719	Second Amendment Foundation	Interrogatory/RFP Responses from Second Amendment Foundation
12	720	NCRL	Interrogatory/RFP Responses from NCRL

21
22 NCRL reserves the right to amend its exhibit list, both to withdraw or
23 add certain exhibits, based on Plaintiff's disclosure or to add exhibits as
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1 additional unblocking requests are received. NCRL reserves the right to use
2 any exhibit proposed by Plaintiffs and admitted into evidence.
3

4 DATED this 28th day of March, 2008.

5 KARR TUTTLE CAMPBELL
6

7 By: /s/Celeste Mountain Monroe
8 Celeste Mountain Monroe, WSBA #35843
9 E-mail – cmonroe@karrtuttle.com
10 Thomas D. Adams, WSBA #18470
11 E-mail – tadams@karrtuttle.com
12 Attorneys for Defendant North Central
13 Regional Library District
14 KARR TUTTLE CAMPBELL
15 1201 Third Ave., Ste. 2900
16 Seattle, WA 98101
17 Telephone: 206.233.1313
18 Facsimile: 206.682.7100
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A Professional Service Corporation
1201 Third Avenue, Suite 2900, Seattle, Washington 98101-3028
Telephone (206) 223-1313, Facsimile (206) 682-7100

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the persons listed below:

Duncan Manville
1629 2nd Ave. W
Seattle, WA 98119

Catherine Crump
American Civil Liberties Union
Foundation
125 Broad Street, 17th Floor
New York, NY 10004

Aaron Caplan
ACLU of Washington
705 Second Ave., Ste. 300
Seattle, WA 98103

KARR TUTTLE CAMPBELL

By:

Heather L. White
hwhite@karrtuttle.com

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